

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WALLY GIAKAS, et al.,	:	CIVIL ACTION NO. 06-4377 (MLC)
	:	
Plaintiffs,	:	MEMORANDUM OPINION
	:	
v.	:	
	:	
FRONT PORCH DIGITAL, INC.,	:	
et al.,	:	
	:	
Defendants.	:	
_____	:	

THE PLAINTIFFS having voluntarily dismissed the complaint insofar as asserted against the defendants Front Porch Digital, Inc., and Front Porch Digital (collectively, "FPD Defendants") without prejudice (dkt. entry no. 7, 10-25-06 Dism. Not.); and it appearing that only the claims asserted against the defendant Incentra Solutions, Inc. ("ISI") remained viable; and the plaintiffs now submitting, but not electronically filing, a letter "to advise the Court that we . . . consent to the entry of an order dismissing this action with prejudice" (6-28-07 Pls. Letter);¹ and thus the Court intending to (1) amend the dismissal of the complaint insofar as asserted against the FPD Defendants to be with prejudice under Federal Rule of Civil Procedure ("Rule") 41(a), (2) dismiss the complaint insofar as asserted

¹ The entire sentence advises that "we will not be submitting any opposition to the defendants' motion to dismiss and consent to the entry of an order dismissing this action with prejudice and without costs." (6-28-07 Pls. Letter.) However, no motion to dismiss is pending here.

against ISI with prejudice under Rule 41(a), and (3) close the action; and for good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper

MARY L. COOPER

United States District Judge